

CITY COUNCIL AGENDA

MARCH 23, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 3)**
Honoring International Women's History Month, Naiema Din, member of Girls for a Change, spoke of women sharing the power of leadership, and partnering with men to change the world. Niko Clifford is the Executive Director of Girls for a Change.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day, and the Amended Agenda were approved.

Mayor Gonzales welcomed the Sacred Heart students from Saratoga.

1 CEREMONIAL ITEMS

Mayor Gonzales announced the appointment of the new City Clerk, Ms. Lee Price from the City of San Luis Obispo. Ms. Price thanked Mayor Gonzales, and the City Council, remarking she is looking forward to serving the citizens of San José.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of February 24, 2004
- (b) Regular meeting of March 2, 2004

Approved.

Staff directed to correct the Minutes of February 24, 2004, Page 14, 4th paragraph, changing the wording from “the use of photo tapes”, to “the use of *photovoltaics*”.

2.2 Final adoption of ordinances.

There were none.

2.3 Approval of an agreement for the purchase of land located at the River Oaks Reach of the Coyote Creek Trail.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to negotiate and execute an agreement with the State of California for the purchase of an easement over a portion of land located at the River Oaks Reach of the Coyote Creek Trail between State Route 237 and the Montague Expressway in an amount not to exceed \$22,000, and to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP03-07-230. Council District 4. (Public Works)
(Deferred from 3/9/04 – Item 2.8)

Resolution No. 72005 adopted.

2.4 Approval to amend a lease agreement at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to extend the term of an office lease with HMS Host through June 30, 2009, with minimum annual revenue to the City in the amount of \$45,525. CEQA: Resolution Nos. 67380 and 71451, PP04-03-067. (Airport)

Resolution No. 72006 adopted.

2 CONSENT CALENDAR

2.5 Approval to amend ground lease agreements at the Airport.

Recommendation:

- (a) Approval of a first amendment to the Ground Lease with AvBase San José L.L.C. to re-configure the leased premises with no increase in the total square footage, and to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three Fixed Based Operator (FBO) agreements at the Airport.
- (b) Approval of a first amendment to the Ground Lease with ACM Aviation LLC to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three FBO agreements at the Airport.
- (c) Approval of a seventh amendment to the Ground Lease with San José Jet Center to modify provisions regarding compliance with the City's Airport curfew to be consistent with curfew provisions in all three FBO agreements at the Airport.

CEQA: Resolution Nos. 67380 and 71451, PP04-02-056. (Airport)

Approved.

2.6 Acceptance of the 2004 Public Art Workplan.

Recommendation: Acceptance of the 2004 Public Art Workplan. CEQA: Not a Project. (Conventions, Arts and Entertainment)

Report Accepted.

2.7 Approval of an agreement for an artwork at Emma Prusch Park.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gloria Bornstein to fabricate and install public artwork at Emma Prusch Park, for an amount not to exceed \$86,160. CEQA: Exempt, PP04-01-007. (Conventions, Arts and Entertainment)

Resolution No. 72007 adopted.

2.8 Approval of fiscal actions for a National Emergency Grant allocation in the Workforce Investment Act Fund.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Workforce Investment Act Fund (290):

- (a) Establish an appropriation for High Technology National Emergency Grant to the Office of Economic Development, in the amount of \$1,191,165.
- (b) Establish an appropriation for Transportation National Emergency Grant to the Office of Economic Development, in the amount of \$396,613.
- (c) Increase Grant Revenue in the amount of \$1,587,778.

CEQA: Not a Project. (Economic Development/City Manager's Office)

Ordinance No. 27101 adopted.

Resolution No. 72008 adopted.

2 CONSENT CALENDAR

2.9 Approval of an agreement for the Route 237 Eastbound Bridge Water Main.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an agreement with the Santa Clara Valley Water District (SCVWD) for the relocation of the Route 237 Eastbound Bridge Water Main for a total cost not to exceed \$207,930. CEQA: Santa Clara Valley Water District Final Environmental Impact Report for the Lower Guadalupe River Flood Protection Project. Council District 4. (Environmental Services)

Resolution No. 72009 adopted.

2.10 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #16, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.11 Approval of an agreement to purchase property located at 3710 Stevens Creek Boulevard.

Recommendation: Approval of an agreement with the Estate of John T. Abeloe, for the purchase of a portion of property located at 3710 Stevens Creek Boulevard and a temporary construction easement on adjacent property, in the amount of \$12,500. CEQA: Exempt, PP02-01-001. Council District 1. (Public Works)

Approved.

2.12 Approval of an agreement for the New Civic Center Project.

Recommendation: Approval of an agreement with San José Water Company for design, engineering and installation of water services for the New Civic Center Project in the amount of \$150,582. CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072. (Public Works)

Approved.

2.13 Acceptance of the San José Arena Authority's Fiscal Year 2002-2003 Annual Report.

Recommendation: Acceptance of the San José Arena Authority's Fiscal Year 2002-2003 Annual Report. CEQA: Not a Project. (San José Arena Authority)

Report Accepted.

2 CONSENT CALENDAR

2.14 Approval to amend the lease for the San José Unified School District's use of City owned land adjacent to Watson Park.

Recommendation: Approval of an amendment to the lease between the City of San José and the San José Unified School District for District's use of 3.316 acres of City owned land adjacent to Watson Park, extending the term of the lease by 35 years to June 30, 2048. CEQA: Exempt, PP04-02-029. Council District 3. SNI: 13th Street. (General Services)

(Deferred from 3/16/04 – Item 2.6)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee - Meeting of March 10, 2004

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review March 23, 2004 Draft Agenda

The Committee recommended approval of the March 23, 2004 City Council agenda with two additions.

(2) Add New Items to March 16, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended five additions to the March 16, 2004 City Council Agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are three Staff reports outstanding for the March 16, 2004 Council agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of March 10, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request the City of San José take a position on the closure plan of Agnews Developmental Center
The Committee directed the Administration to forward a letter, opposing the closure of Agnews Development Center, to the Governor and local legislators urging them to find an alternative to closing this valuable facility.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting was adjourned at 2:10 p.m.

The Rules Committee Report and the Actions of March 10, 2004, were accepted.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Partial Rules Committee - Meeting of March 17, 2004 Vice Mayor Dando, Chair

- (c) Legislative Update
 - (1) State
 - (a) Request to support “The Local Tax Payers and Public Safety Protection Act”
The Committee recommended support of the Local Taxpayers and Public Safety Protection Act initiative, and requested Administration to confer with the League of California Cities regarding the necessity of a City resolution to support the initiative.

The Partial Rules Committee Report and the Actions of March 17, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee – March 10, 2004 Council Member Campos, Chair

- (a) Investment Report – Follow-Up to Meeting of February 11, 2004
The Committee accepted the follow up report, with only two members present.
See Item 3.8 for Council Action Taken.
- (b) Public Works Real Estate Division Audit
Deferred until May 2004.
- (c) Report on Culture Change Efforts in the City Organization for the New City Hall and “One Voice” Project
The Committee accepted the Staff report.
- (d) City Clerk One-Stop Shop Status Report
The Committee accepted the Staff report.
- (e) Discussion of Additional Streamlining Opportunities to the Streamlining Ordinance
The Committee accepted the Staff report, with Staff directed to bring back to the Committee in August, a proposed increase along with a statement of current policy, and a report on the performance of system measures.
- (f) Discussion of the Bureau of Fire Prevention Audit Outcomes
The Committee accepted the Staff report, with Staff directed to revisit this at a later time.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – March 10, 2004 Council Member Campos, Chair (Cont'd.)

- (g) Continued Discussion of the Update of Major Information Technology Projects (Customer Relationship Management, Utility Billing System, Partner Relationship Management)

The Committee accepted the Staff report with Staff directed to cross-reference this item on the March 23, 2004 Council Agenda.

See Item 3.9 for Council Action Taken.

- (h) Oral petitions
There were none.

- (i) Adjournment
The meeting was adjourned at 5:00 p.m.

The Making Government Work Better Committee Report, and the Actions of March 10, 2004, were accepted.

3.4 Approval of actions related to the March 2, 2004 and November 2, 2004 Elections.

Recommendation: Adoption of a resolution:

- (a) Declaring results of the March 2, 2004 Municipal Election pursuant to Elections Code Section 15400; and,
- (b) Calling for a Run-Off Election to be held November 2, 2004, setting a deadline of August 3, 2004 for ballot measures to be added to the ballot, and authorizing the City Clerk to take such actions necessary to facilitate the Election.

(Acting City Clerk)

Deferred to 3/30/04.

3.5 Acceptance of the 2003 San José Community Survey and FY 2003-04 City Service Area Performance Report.

Recommendation: Acceptance of:

- (a) The report of results from the 2003 San José Community Survey; and
- (b) The Mid-Year 2003-2004 City Service Area Performance Report.

(City Manager's Office)

Reports Accepted.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of 2003-04 General Fund 100 Vacant Positions Elimination Plan.

Recommendation:

- (a) Approval of the 2003-04 General Fund 100 Vacant Positions Elimination Plan recommended in the memorandum and detailed in Attachment A.

Approved.

- (b) Direction to staff to utilize the \$5.4 million in 2004-2005 cost savings associated with the elimination of the 100 positions (not including Council Appointees) towards reducing the projected 2004-2005 General Fund shortfall.

(City Manager's Office)

(Referred from 2/17/04 – Item 10.1)

Approved.

3.7 Various actions related to the adoption of a position to oppose the placement of Cary Verse in San José.

Recommendation: Approval of various actions related to adopting a position to oppose the placement of Cary Verse in San José. (Dando, Gregory, Williams; Mayor)

(Rules Committee referral 3/17/04)

Memorandum from Mayor Gonzales, Vice Mayor Dando, and Council Members Williams and Gregory, dated March 17, 2004 was approved, with the following directives:

- (1) Adopt a position opposing the placement of convicted sex offender Cary Verse in San José.**
- (2) Send a letter outlining the City Council's position to the California Department of Mental Health and to the Presiding Judge in this case, inviting each Council Member to cosign.**
- (3) Adopt a position supporting changes to the current State of California notification requirements to ensure that local communities are notified prior to a decision to place a high-risk sex offender in a community.**
- (4) Direct the Administration to work with State decision makers to:**
 - (a) Develop stricter notification requirements for State agencies to provide longer advance notification to local communities regarding the proposed release and placement of sex offenders.**
 - (b) Explore State legislation or policies to better define an overall process for placing sex offenders in local communities, with requirements that limit their placement away from parks, schools, and other places where children are likely to be present, to ensure a high level of safety.**
 - (c) Explore State legislation or policies that would prevent the disproportionate number of sex offenders in any community compared to the rest of the region to prevent inappropriate concentrations.**

3 STRATEGIC SUPPORT SERVICES

3.8 Approval to revise the City of San José Investment Policy to change the frequency of the investment reporting.

Recommendation: Adoption of a resolution to revise the City of San José Investment Policy to change the frequency of the investment reporting as follows:

- (a) From the current monthly detailed reporting format to a quarterly report.
- (b) An abbreviated monthly investment report to be distributed through an electronic means to the City Council.

CEQA: Not a Project. (Finance)

[Making Government Work Better Committee referral 3/10/04 – Item 3.3(a)]

Resolution No. 72010 adopted.

Staff directed to include Interest Earning Year to Date for reporting of investment activity, in the monthly report.

3.9 Approval of actions related to the acceptance of the modified report for the CUSP Project.

Recommendation: Acceptance of the modified report for the CUSP Project as directed by the Making Government Work Better Committee and direction to staff to proceed with the CUSP RFP process and return to Council by the end of April with a recommended vendor for the purpose of procuring a software solution for an integrated utility billing, customer service, and performance monitoring system. (Finance)

[Making Government Work Better Committee referral 3/10/04 - Item 3.3(g)]

Report Accepted.

Staff directed to return in April 2004 with a recommended vendor and funding method.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair
No Report.**

**4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair
No Report.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of actions for the Ice Centre of San José (Logitech Ice). (Economic Development Strategy Initiative 12)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) An Expansion Agreement with San José Arena Management LLC, a California limited company regarding the construction and financing of the second expansion to the Ice Centre of San José (Logitech Ice); and
- (b) The Amended and Restated Lease and Management Agreement with San José Arena Management LLC, for the operation and management of the Ice Centre of San José.

CEQA: Negative Declaration, File No. H-93-06-038 and add addenda thereto, File No. HO3-035. (Economic Development)

(Deferred from 3/9/04 – Item 4.3)

Resolution No. 72011 adopted.

- (1) **Staff directed to resolve and amend the language in the Lease Agreement as it pertains to the Right of First Refusal.**
- (2) **Staff directed to continue to assist the community and potential operators to explore alternatives for replacing the Eastridge rink, with Staff to report back during the budget sessions.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – March 11, 2004 Council Member Yeager, Chair

- (a) Civic Center Childcare Update
The Committee accepted the Staff report.
- (b) Update on the Early Child Care and Education Master Plan
 - No Child Left Behind Act
 - Linkages with County Collaborative on Education
 - Strategy on Achieving Master Plan Goals**The Committee accepted the Staff report.**
- (c) Report on School Traffic Safety Program
The Committee accepted the Staff report.
- (d) Safe School Program Update
The Committee accepted the Staff report.
- (e) Oral petitions
There were none.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – March 11, 2004 (Cont'd.) Council Member Yeager, Chair

- (f) Adjournment
The meeting was adjourned at 2:45 p.m.

The All Children Achieve Committee Report and the Actions of March 11, 2004, were accepted.

5.2 Approval to award a contract for the Lone Bluff Mini-Park Project.

Recommendation:

- (a) Report on bids and award of contract for Lone Bluff Mini-Park Project to the low bidder, Lone Star Landscape, Inc., in the amount of \$498,100, and approval of a contingency in the amount of \$24,900.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Council District 7 Construction & Conveyance Tax Fund

- (1) Increase the Lone Bluff Mini-Park Project by \$150,000.

- (2) Decrease the Ending Fund Balance by \$150,000.

CEQA: Resolution No. 69623, and addenda thereto, H03-029. Council District 7. Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27102 adopted.

Resolution No. 72012 adopted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – March 1, 2004 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Taxicab Service Model Report (**Continued from February 2, 2004**)
The Committee accepted the Staff report.
- (b) Traffic Relief/Safe Streets
 - (1) Traffic Calming Program and Public Education Campaign “Street Smarts”
The Committee accepted the Staff report, with Staff directed to move this item forward to April 2004, and report out on a quarterly basis.
 - (2) Review of Proposed Transportation Development Act (TDA) Grants for Bicycle/Pedestrian Projects
The Committee accepted the Staff report.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – March 1, 2004 (Cont'd.) Council Member Cortese, Chair

- (d) Regional Relationships/Funding/Policy
 - (1) Freeway Litter Abatement Report
The Committee accepted the Staff report.
 - (2) Update on the Santa Clara Valley Transportation Authority (VTA), Valley Transportation Plan (VTP) 2030 (**Continued from February 2, 2004**)
The Committee accepted the Staff report, requesting that this item come back in April 2004 with final recommendations.
- (e) Oral petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 3:45 p.m.

The Building Better Transportation Committee and the Actions of March 1, 2004, were accepted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on the vacation of a 60-foot wide Storm Drain Easement at Almaden Avenue and Woz Way.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a 60-foot wide Storm Drain Easement on the northwest corner of Almaden Avenue and Woz Way. CEQA: Resolution Nos. 64273 and 68839 and addendum thereto, RH00-05-005. Council District 3. (Public Works)

**The Public Hearing was held.
Resolution No. 72013 adopted.**

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 5:03 p.m. to consider Items 10.1 and 10.2 in a Joint Session.

10.1 Public Hearing and approval of the FY 2004-2005 Mayor's March Budget Message.

Recommendation: PUBLIC HEARING and approval of the FY 2004-2005 Mayor's March Budget Message. (Mayor)

The Public Hearing was held.

The March Budget Message for Fiscal Year 2004-2005, from Mayor Gonzales, dated March 17, 2004, was approved, with the following additions:

- (1) Helping All Children Achieve, Page 8, "Increase high school graduation rates", Staff requested to look at the companion programs that have brought forth effective results.**
- (2) Citation Fees, Page 9, Staff requested to look at increases that allow the City to maintain funding those programs when comparing fees of smaller programs.**
- (3) Senior Programs, Page 6, Staff requested to include the Senior Commission in the upcoming discussions.**
- (4) Public Safety, Hazardous Incident Team, Page 8, and decentralization of the Hazmat Team, Staff requested to forward detailed information on this issue.**
- (5) Reduction of all Branch Libraries, Page 8, Staff requested to look at reducing the hours of operations per day in lieu of completely closing for the entire day.**
- (6) In regard to the 911 User Fee, requested Staff look at a "sunset" for those fees when the economy improves.**
- (7) The Vehicle Spotter Program, Page 6, Staff requested to provide a list of the services the City of San José might charge its neighbors before the fee structure is actually changed.**
- (8) Mutual Aid, Page 6, Item 2(a), Staff requested to provide a list of services expanding the definition beyond dignitary visits in other cities and crowd control assistance during demonstrations.**
- (9) Public Safety Grant Writing, Page 6, Item 2(c), Staff requested to provide information on how much money the City of San José receives in grant writing efforts, how does this compare to other cities, what is the City's success rate, and include criteria to incorporate that process as part of a performance measure for each department. Staff also requested to look into the issue of a "dedicated grant writer" for the City.**
- (10) Vehicle Fleet Issues, Page 10, Staff requested to add Item (7), "Invest in environmental procurement with regard to fleet vehicles", thereby increasing the percentage of low emission and fuel-efficient vehicles in the fleet.**
- (11) Page 5, Item (d) referring to the Appointee's office, "...with an across the board reduction equal to the average reduction proposed for non-public safety departments", Staff requested to include the "Independent Police Auditor" in the Appointee's office, not in the public safety group.**
- (12) Page 10, Driving a Strong Economy, Staff requested to add (f) indicating creativity, innovation, and entrepreneurial opportunities with regard to Bioscience and Nanotechnology.**

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of an ordinance and adoption of resolutions affecting the City's and Redevelopment Agency's Revenue Generating Policies.

Recommendation:

- (a) Approval of an ordinance by the City Council modifying Section 4.01.010 of Chapter 4.01, and amending Sections 4.04.010 and 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code, making changes necessary to implement the Revenue Generating Policy adopted by City Council on January 20, 2004;
Ordinance No. 27103 passed for publication.
- (b) Adoption of a resolution by the City Council revising the Revenue Generating Policy pursuant to City Council direction at the meeting of January 20, 2004;
Resolution No. 72014 adopted.
- (c) Adoption of a resolution by the Agency Board approving the Redevelopment Agency's Revenue Generating Policy; and
Redevelopment Agency Resolution adopted.
- (d) Adoption of a resolution by the Agency Board amending Article II, Section 4.A of the Agency By-Laws to authorize the Executive Director to accept donations and enter into Sponsorship Agreements in an amount not to exceed \$100,000.
(City Attorney's Office)
Item 10.2(d) to return to Blue Ribbon Task Force Committee for discussion.

Staff directed to incorporate into the Annual Report each Council Member's District log of sponsorship donations collected.

The Redevelopment Agency Board Portion of the Meeting was adjourned at 5:54 p.m.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session action(s) of March 23, 2004:

A. Public Employee Appointment Pursuant to Government Code Section 54957:

Title: City Clerk

Name: Lee Price

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Linda LeZotte, Chuck Reed, Forrest Williams, Ken Yeager; Ron Gonzales.

Noes: None.

Disqualified: None.

Absent: None.

B. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Linda LeZotte, Chuck Reed, Forrest Williams, Ken Yeager.

Noes: None.

Disqualified: None.

Absent: Ron Gonzales.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

There were no speakers.

- **Adjournment**

The Council of the City of San José was adjourned in memory of Nancy Spencer, former employee of the Departments of Employee Services and Environmental Services, who served the City of San José for 24 years; and in memory of Brenda Denise Brown who lost her courageous struggle with Cancer on March 11, 2004.

The Council of the City of San José was adjourned at 5:55 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 6:02 p.m. to hear Items 7.1 in a Joint Session with the Redevelopment Agency.

7.1 Approval Actions related to a DDA with Pealta-North San Pedro, LLC, for Agency-Owned property located at 73-74 North San Pedro Street.

Recommendations: City Council and Redevelopment Agency Board actions for the sale of Storm Property at 73-75 North San Pedro and its rehabilitation and use as a restaurant.

- (a) Adoption of a resolution by the City Council accepting the 33433 Summary Report and Re-use Appraisal, and finding that the disposition of the property at 73-75 North San Pedro Street (APN 259-35-014), commonly referred to as the Storm Property, to Peralta-North San Pedro, LLC, will assist in the elimination of blight, is consistent with the Strong Neighborhoods Initiative Redevelopment Project Area objectives, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA); and,

Resolution No. 72015 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency approving a DDA with Peralta-North San Pedro, LLC, a California limited liability company, and authorizing the Executive Director to negotiate and execute ancillary documents contemplated by the DDA, to close escrow subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA and as reasonably necessary to conform to lender requirements; and,

Redevelopment Agency Board Resolution No. 5472 adopted.

- (c) Adoption of a resolution by the Redevelopment Agency approving the addition of revenue of \$342,000 to the Adopted 2003-2004 Capital Budget Other/Miscellaneous Revenue, and amending the FY 2003-2004 Agency appropriation resolution.

CEQA: 68839 [SNI: ST. JAMES SQUARE]

Redevelopment Agency Board Resolution No. 5473 adopted.

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 6:05 p.m.